
**THE VILLAGE OF WILLOW SPRINGS
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2018 – O – 41**

**AN ORDINANCE AMENDING
TITLE 9A, CHAPTER 2, SECTION 4B OF THE WILLOW SPRINGS VILLAGE
CODE CONCERNING THE MAXIMUM ALLOWABLE LOT SIZE VARIANCE
THAT MAY BE GRANTED BY THE VILLAGE.**

JOHN M. CARPINO, President

MARY JANE MANNELLA, Clerk

**THOMAS E. BIRKS
TERRANCE M. CARR
MICHAEL C. KENNEDY, JR.
MELISSA N. NEDDERMEYER
FRED POSCH
KATHRYN STANPHILL**

TRUSTEES

**VILLAGE OF WILLOW SPRINGS
ORDINANCE 2018-O- 41
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GRANTED BY THE VILLAGE.**

BE IT ORDAINED by the President and Board of Trustees of the Village of Willow Springs, Cook County, Illinois as follows:

Section 1. CODE AMENDED: The following changes are hereby made to Section 9A-7A-6 of the Willow Springs Municipal Code (additions underlined and deletions noted with ~~strike through~~ text):

9A-2-4: AUTHORIZED VARIATIONS:

Variations from the regulations of this title shall be recommended by the plan and zoning commission only in accordance with the standards established in section 9A-2-3 of this chapter, and may be granted by the president and board of trustees, within sixty (60) days after its next regular meeting following receipt of the recommendation, only in the following instances and in no others:

[...]

B. Except as specifically provided in subsections H and I of this section, to permit the use of a lot or lots for a use otherwise prohibited solely because of insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than ~~ninety~~ seventy-five percent (~~90~~ 75%) of the required area and width. The percentage set forth in this subsection, except as set forth in subsections H and I of this section, is not to be reduced by any other percentage for minimum lot area and area set forth in this title.

[...]

Section 2. SUPERSEDER. In the event a conflict exists between the terms of this Ordinance and any other ordinance of the Village, the terms of this Ordinance shall govern.

Section 3. SEVERABILITY. If any part, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the remaining section, subsection and clauses shall not be affected thereby.

Section 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form, in accordance with law, and the provisions of the Willow Springs Municipal Code amended herein shall be reprinted with the changes.

(REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

ORDINANCE 2018-O-41 ADOPTED by the President and Board of Trustees of the Village of Willow Springs, Cook County, Illinois on **AUGUST 16, 2018**, pursuant to a roll call vote, as follows:

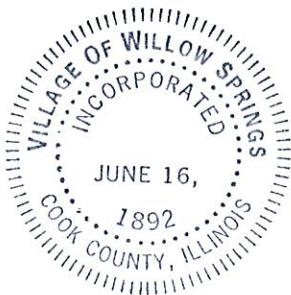
	YES	NO	ABSENT	PRESENT
Trustee Birks	✓			✓
Trustee Carr	✓			✓
Trustee Kennedy	✓			✓
Trustee Neddermeyer		.	✓	
Trustee Posch	✓			✓
Trustee Stanphill	✓			✓
(Mayor Carpino)				✓
TOTAL	5	0	1	6

APPROVED by the Village President on **AUGUST 16, 2018**.


John M. Carpino, Village President

ATTEST:


Mary Jane Mannella, Village Clerk



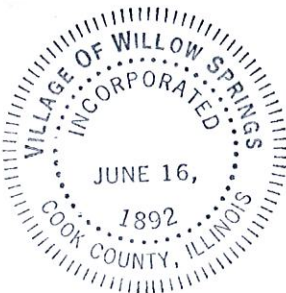
STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATION

I, Mary Jane Mannella, DO HEREBY CERTIFY that I am the duly qualified and appointed Village Clerk of the Village of Willow Springs, Cook County, Illinois, and that as such Village Clerk I do have charge of and custody of the books and records of the Village of Willow Springs, Cook County, Illinois.

I DO HEREBY FURTHER CERTIFY that the foregoing is a full, true and correct copy of **ORDINANCE NO. 2018-O-41 "AN ORDINANCE AMENDING TITLE 9A, CHAPTER 2, SECTION 4B OF THE WILLOW SPRINGS VILLAGE CODE,"** adopted and approved by the President and Board of Trustees of the Village of Willow Springs, Illinois, on **AUGUST 16, 2017.**

IN WITNESS WHEREOF, I have hereunto affixed my hand and the Corporate Seal of the Village of Willow Springs, Cook County, Illinois on **AUGUST 16, 2017.**




Mary Jane Mannella, Village Clerk
Village of Willow Springs, Cook County, Illinois

EXHIBIT A

VILLAGE OF WILLOW SPRINGS PLANNING AND ZONING COMMISSION FINDINGS AND RECOMMENDATION FOR TEXT AMENDMENT TO TITLE 9A, CHAPTER 2, SECTION 4B OF THE WILLOW SPRINGS VILLAGE CODE CONCERNING THE MAXIMUM ALLOWABLE LOT SIZE VARIANCE THAT MAY BE GRANTED BY THE VILLAGE.

On Tuesday, August 1, 2018, the Village of Willow Springs Planning and Zoning Commission (the "**PZC**") conducted a public hearing to consider amending Title 9A, Chapter 2, Section 4B of the Willow Springs Village Code. Notice of the public hearing was published in the Des Plaines Valley News on July 12, 2018. The proposed amendment was initiated by Mr. Herb Bluder (the "**Applicant**") to permit the village to grant a lot size variance of up to 25%.

At the public hearing, Herb Bluder spoke on behalf of himself as the applicant. The Applicant explained that the existing code only allows for a maximum variance of 10% from the code requirements of a minimum lot size. [ARGUMENTS WILL BE INSERTED AFTER HEARING]

The PZC considered all evidence presented and all other relevant information before closing the public hearing and discussing the proposed amendment.

I. Findings

Based on the evidence presented at the public hearing, the PZC's discussion, and all other relevant information, the PZC made the following findings concerning the proposed text amendment in accordance with Section 9A-2-4B of the Willow Springs Village Code:

- 1) The proposed amendment is in the public interest. The existing text of the chapter and section only allows for a maximum 10% variance from the code as it relates to minimum lot size and in fact, a survey of are municipalities found that nearly all municipalities had a greater variance allowance than the current code and in fact some villages had no restriction on the variance that may be granted.
- 2) The proposed amendment in no way removes or restricts the right of the Village to regulate and enforce lot size nor does it diminish the ability of the Village to reject a variance request if they believe it is not to the general benefit of the village. The Planning and Zoning Commission would still need to approve and recommend any development requiring a

variance and the Village Board of Trustees would still have the final decision making authority in the approval of such variance requests.

- 3) The proposed amendment allows the Village greater ability to permit developments within the village on otherwise undevelopable land.

II. Recommendation

Based on the foregoing findings and all evidence entered into the record at the August 1, 2018 public hearing, the Planning and Zoning Commission, by a vote of seven (7) to Zero (0) recommends that the Village Board approve the proposed amendments to Title 9A, Chapter 2, Section 4B of the Village of Willow Springs Municipal Code as presented in the draft Ordinance.